

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON AGRICULTURE

Call to Order: By **CHAIRMAN DONALD L. HEDGES**, on March 6, 2001 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Donald L. Hedges, Chairman (R)
Rep. Linda Holden, Vice Chairman (R)
Rep. Ralph Lenhart, Vice Chairman (D)
Rep. Darrel Adams (R)
Rep. Norma Bixby (D)
Rep. Gilda Clancy (R)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Christopher Harris (D)
Rep. Verdell Jackson (R)
Rep. Jim Keane (D)
Rep. Larry Lehman (R)
Rep. Holly Raser (D)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Butch Waddill (R)
Rep. Karl Waitschies (R)
Rep. Merlin Wolery (R)

Members Excused: Rep. Rick Dale (R)

Members Absent: None.

Staff Present: Krista Lee Evans, Legislative Branch
Robyn Lund, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SJ 4, 3/2/2001
Executive Action: SB 55; SJ 4; SB 115; SB 165;
SB 143

EXECUTIVE ACTION ON SB 55

Motion: REP. LENHART moved that SB 55 BE CONCURRED IN.

Discussion:

REP. SMITH said that this is a good bill.

REP. KEANE called for the question.

Motion/Vote: REP. LENHART moved that SB 55 BE CONCURRED IN.
Motion carried unanimously.

HEARING ON SJ 4

Sponsor: Senator Mike Taylor, SD 37

Proponents: John Bloomquist, Montana Stock Growers
Nancy Schlepp, Montana Farm Bureau, Montana Grain
Growers
Carol Lambert, WIFE
Toby Day, Montana Wildlife Federation
Will Kissinger, Department of Agriculture

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 1.7}

Senator Mike Taylor, SD 37, handed out some pictures.

EXHIBIT(agh51a01) This resolution says that noxious weeds are an invasive problem in Montana. We don't seem to spend enough time on this problem. We are losing \$100 million per year due to these weeds. We have some serious problems that we have to address. This is a nonpartisan issue. This says that there are noxious species invading our range lands and that we need to solve that problem. It encourages the federal government to work more closely with all of us to deal with this problem. Weeds know no boundaries. We are urging the federal government to look at Montana and maybe consider more money for us to fight these weeds. He asked the committee to think about how serious this problem is.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 9.5}

John Bloomquist, Montana Stock Growers, said that noxious weeds are a big environmental issue in this state that goes unnoticed. This resolution goes to the federal government, which has significant land holdings in Montana. This encourages the federal government to participate in weed management.

Nancy Schlepp, Montana Farm Bureau, Montana Grain Growers, told about taking an out-of-state friend up to UM in Missoula and having her friend say, "Look at those beautiful purple flowers." They were knapweed. She stands in support of this resolution.

Carol Lambert, WIFE, said that this issue is very important to the agricultural industry. One of the major problems is weeds. It is an expensive and ongoing project.

Toby Day, Montana Wildlife Federation, wanted to go on the record as saying that sportsmen are very interested in this issue. Weeds are the No. 1 environmental issue in the state of Montana. The most important part of this bill is the agreements with the local groups. The local people know what is going on and without them we can't fight this problem. This is an ongoing concern. It is not an easy job to be out spraying weeds.

Will Kissinger, Department of Agriculture, said that this is an urgent problem. We need to send the communication to the federal government that the weed problem is urgent and needs to be taken care of.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 15.8}

REPRESENTATIVE VERDELL JACKSON asked the sponsor what the local groups are. **Senator Taylor** replied that they could be the cities and towns, private landowners, tribal governments, et cetera.

REP. JACKSON asked how this would look when it was sent to Washington DC. **Senator Taylor** said that the resolution goes as it is. It will go to the federal agriculture committee.

REP. JACKSON asked what weeds are considered noxious in this state. **Senator Taylor** didn't have a list of all of them. There are some new ones coming.

REPRESENTATIVE KATHLEEN GALVIN-HALCRO asked about echinacea and St. John's Wort. **Senator Taylor** said that St. John's Wort is a noxious weed, but echinacea is not.

Krista Lee Evans explained that the Department of Agriculture is statutorily required to develop a list of noxious weeds.

REPRESENTATIVE DARREL ADAMS asked the sponsor if chemicals would have to be used to make any real progress. **Senator Taylor** said that there is a point where chemicals have to be used, but he is not just a chemical person. There are other solutions that need to be considered. **REP. ADAMS** said that it seems that, in order to be effective, we would be in trouble with environmental problems with the chemicals. **Senator Taylor** said that they have chemicals that do not hurt the environment. The problem is that seeds can lay dormant for years. If you really want to eradicate them you have to use a chemical that will get into the ground and destroy the seeds.

REPRESENTATIVE FRANK SMITH asked if there is a license for selling hay in Montana. **Mr. Kissinger** was not aware of one. **REP. SMITH** asked if there was an inspection for hay. **Mr. Kissinger** said that there is not one dealing with weed control. **REP. SMITH** said that Colorado requires hay to be certified, why don't we have to here? **Mr. Kissinger** said that they do have a certified weed-free hay program. In this program the field is inspected to see if there are any weeds there. **REP. SMITH** asked if any hay coming from out of state is not certified. **Mr. Kissinger** said that it may or may not be.

REPRESENTATIVE DAVE GALLIK asked how much more can you sell certified weed-free hay for. **Mr. Kissinger** said that there may be a premium for weed-free hay, the department promotes it. The actual price can vary from grower to grower.

REPRESENTATIVE DON HEDGES asked for gross figures in terms of what BLM, the forest service, federal fish and game, and the Department of the Interior are now spending and how they direct those funds. **Mr. Kissinger** did not have those figures. **REP. HEDGES** asked for the amount of money that goes into each county weed district. **Ms. Evans** said that each county weed district receives about \$6,000 each year and they can apply for additional funds.

REPRESENTATIVE JIM KEANE asked why the Bureau of Reclamation was left out of the bill. **Senator Taylor** said that it was an oversight. **REP. KEANE** asked if the sponsor would be open to adding that. **Senator Taylor** said that was fine.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 36.3}

Senator Taylor said that the national delegation was serious with working on this issue. We all need to take this issue seriously

and really think about this issue. If we don't work together to solve this problem, it will become even more serious than it is now. We all need to work together to solve this problem.

EXECUTIVE ACTION ON SB 143

Motion/Vote: REP. JACKSON moved that SB 143 BE CONCURRED IN.
Motion carried 16-3 with Adams, Smith, and Waitschies voting no.

EXECUTIVE ACTION ON SB 115

Motion: REP. LENHART moved SB 115.

Discussion:

REP. SMITH said that the tax department has no problems with this bill.

REP. LENHART called for the question.

Motion/Vote: REP. LENHART moved SB 115. Motion carried unanimously.

EXECUTIVE ACTION ON SB 165

Motion: REP. HARRIS moved SB 165 AND AMENDMENT.

Discussion:

REP. HARRIS explained the amendments. **EXHIBIT**(agh51a02)

REP. HOLDEN asked for Ms. Evans to explain further. Ms. Evans stated that the bill takes all three sections out of the code. REP. HARRIS wants 3-14 and 3-15 to remain in the code and only section 3-18 will be stricken. REP. HOLDEN asked what effect that would have. Ms. Evans said that only the 2 times pay back would be stricken.

REP. HARRIS asked Ralph Peck to address the effect of repealing 90-9-318. Mr. Peck said that the 2 times for research is a problem to pay back, so they often couldn't fund projects. They originally proposed striking it because they thought that there was a duplication between this statute and the commercialization statute, but it is not an important criteria.

Ms. Evans said that one of the subs in 90-9-318 is the pay back, the second one is the technology transfer and assistance project loans. That is the only place in statute that is found.

REP. WAITSCHIES asked if **REP. HARRIS** had checked with the sponsor. **REP. HARRIS** had not. **REP. WAITSCHIES** said that basically you are undoing the whole bill. **REP. HARRIS** disagreed. He felt that this is going back to the original act by keeping research and development in the act. There are no preferences expressed. **REP. WAITSCHIES** asked if he had misunderstood when they said that they wanted to take the research out and focus on the marketing. **REP. HARRIS** said that was one of their intentions, but he feels that it is misguided to cut out research.

REP. LEHMAN said that, as he read this, research was replaced with "discover and develop." **REP. HARRIS** said that was the point he was trying to make. How are you going to discover and develop if you don't include research? He wants to include marketing, but not get rid of research. **REP. LEHMAN** doesn't think that research has been eliminated. **REP. HARRIS** thinks that "discover and develop" is part of the original act. **REP. LEHMAN** said that research and development were replaced because they have the same meaning as discover and develop. **REP. HARRIS** said that he has no problem keeping in marketing, but it is a mistake to cut out research. **REP. LEHMAN** thinks that discover and develop means the same as research and development. **REP. HARRIS** doesn't disagree.

REP. HOLDEN asked how Ralph Peck felt about the amendment. **Mr. Peck** said that it would eliminate the 2 times pay back, which would make that portion of the bill function, which hasn't functioned well in the past. The reason that they struck this is that they felt it was a duplication and they were just trying to simplify things. **REP. HOLDEN** asked if he could say how the sponsor would feel about this amendment. **Mr. Peck** said that this was designed to be housekeeping legislation. In his opinion it would function fine with the amendments.

REP. LEHMAN asked **Mr. Peck** to comment on what **Ms. Evans** had said. **Mr. Peck** said that if you eliminate 3-18 it does two things: It eliminated the maximum amount of the percentage and it leaves those issues at the council's discretion.

Ms. Evans clarified that it does take away the 10% requirement, her concern is that the term technology transfer and assistance projects is only used in that one place in code. If it is stricken then there is no longer a definition for that.

REP. HEDGES asked if they could have a conceptual amendment to put that definition in somewhere. **Ms. Evans** said that you have to do more than just define it, it would have to be used. It will no longer be a defined item.

REP. GALVIN-HALCRO said that page 3, sub 21, the definition is in there. **Ms. Evans** said that they can't have defined term in statute that is not used anywhere but the definition.

REP. HARRIS suggested a clean-up amendment.

Motion/Vote: **REP. HARRIS** moved that **AMENDMENT TO SB 165 BE ADOPTED**. Motion carried unanimously.

Motion/Vote: **REP. HOLDEN** moved that **SB 165 BE CONCURRED IN AS AMENDED**. Motion carried unanimously.

EXECUTIVE ACTION ON SJ 4

Motion: **REP. KEANE** moved **SJ 4 AND AMENDMENT**.

Discussion:

REP. KEANE explained the amendment.

REP. SMITH said that the amendment might cause some static with the Bureau of Reclamation because they are tight with their money.

REP. LEHMAN called for the question.

Motion/Vote: **REP. KEANE** moved that **AMENDMENT TO SJ 4 BE ADOPTED**. Motion carried unanimously.

Motion: **REP. KEANE** moved that **SJ 4 BE CONCURRED IN AS AMENDED**.

Discussion:

REP. HOLDEN stated that the federal government doesn't seem to take care of their parks and monuments.

REP. KEANE suggested an amendment to add national parks and monuments.

Motion/Vote: **REP. HOLDEN** moved that **AMENDMENT TO SJ 4 BE ADOPTED**. Motion carried unanimously.

Motion/Vote: REP. HOLDEN moved that **SJ 4 BE CONCURRED IN AS AMENDED. Motion carried unanimously.**

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. DONALD L. HEDGES, Chairman

ROBYN LUND, Secretary

DH/RL

EXHIBIT (agh51aad)